

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

U.S. WEST COMMUNICATIONS, INC.,
a Colorado Corporation,

Plaintiff,

vs.

Civ. No. 97-539 JC/WWD

ERIC SERNA, et al.,

Defendants,

and

UNITED STATES OF AMERICA and
FEDERAL COMMUNICATIONS COMMISSION,

Intervenors.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court as a result of a Rule 16 telephone conference held March 13, 1998, between the Court and counsel for the parties.

In his Order of March 2, 1998, the Honorable John E. Conway “enjoined [defendants] from enforcing the dark fiber disclosure requirement imposed in the commission’s March 20, 1997 arbitration order until such time as this Court has decided whether the commission had subject matter jurisdiction to order the disclosure independent of the approval or rejection of the interconnection agreement.”

The parties have now agreed in principal to defer the question of dark fiber disclosure until after the interconnection agreement is approved by the State Corporation Commission. This

agreement will be reduced to writing and submitted to the Court by the close of business on March 23, 1998.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE